

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAKEVIN LEE MCCULLOM,
Plaintiff,

v.

WENDY STILL, et al.,
Defendants.

Case No. 21-01742 BLF (PR)

**ORDER DENYING MOTION TO
APPEAL AS UNNECESSARY**

(Docket No. 11)

Plaintiff, proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983 against various Defendants within Alameda County and elsewhere. Dkt. No. 1. On August 10, 2021, the Court dismissed the complaint with leave to amend to attempt to correct several deficiencies in the pleading. Dkt. No. 8. Plaintiff was directed to file an amended complaint within twenty-eight days from the date the order was filed and advised that failure to respond would result in the dismissal of the action with prejudice for failure to state a claim without further notice to Plaintiff. *Id.* at 6. On October 5, 2021, the Court dismissed the action for Plaintiff's failure to file an amended complaint in the time provided; judgment was entered the same day. Dkt. Nos. 9, 10.

On October 29, 2021, Plaintiff filed a "notice of motion to appeal to the United


1 States Court of appeals, Ninth Circuit of California.” Dkt. No. 11. Plaintiff is advised that
2 no motion in this Court is necessary to proceed with an appeal, and that he may file an
3 appeal directly with the Ninth Circuit. Accordingly, Plaintiff’s motion is DENIED as
4 unnecessary.

5 In the interest of justice, the Clerk shall forward a copy of Plaintiff’s notice, Dkt.
6 No. 11, to the Ninth Circuit.

7 This order terminates Docket No. 11.

8 **IT IS SO ORDERED.**

9 Dated: November 1, 2021


BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California